

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TERRENCE DAVIS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration,

Defendant.

JOHN DOE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration,

Defendant.

Case No. 06-cv-06108 EMC (NC)

**ORDER REQUESTING  
ADDITIONAL BRIEFING;  
VACATING HEARING**

Re: Dkt. No. 337

Related Case: No. 09-cv-00980 EMC  
(NC)

The parties filed a joint letter brief, Dkt. No. 337, regarding ongoing discovery disputes including: (1) naming potential deponents and scheduling depositions; (2) supplementing responses to interrogatories and document requests; and (3) conducting independent medical examinations of the named plaintiffs.

In consideration of the parties' joint letter brief, and the representations made by counsel at the May 15, 2012 telephonic discovery conference, the Court orders the following:

Case No. 06-cv-06108 EMC (NC)  
ORDER RE: DISCOVERY DISPUTE

1           (1) The parties are first ordered to meet and confer as to the specific discovery  
 2 requests that remain at issue. On or before May 18, 2012, plaintiffs are ordered to lodge  
 3 with chambers the parties' document requests, interrogatories, and related responses,  
 4 highlighting the particular requests remaining in dispute.

5           (2) The parties also are ordered to meet and confer regarding a joint discovery  
 6 plan, which is to be filed with the court on or before May 29, 2012. The discovery plan  
 7 shall include the following: the date by which the parties intend to produce supplemental  
 8 responses to interrogatories and document requests; the name of the SSA employee that  
 9 made the initial decision to reduce plaintiff Doe's SSI benefits in 2007, as well as the date  
 10 scheduled for his/her deposition; the date by which SSA intends to file its Rule 35 motion  
 11 seeking plaintiffs' independent medical examinations, and, if the Court is to grant the  
 12 Rule 35 motion, the date by which SSA intends to have the examinations completed.<sup>1</sup>

13           (3) As to the deposition of SSA employee Mandy Chan, on or before May 25,  
 14 2012 SSA is ordered to produce to plaintiffs, as well as lodge a copy with chambers, a  
 15 declaration providing the reasons for which Ms. Chan is unavailable for deposition. The  
 16 declaration is to be signed under penalty of perjury.

17           (4) Finally, the parties are ordered by May 18, 2012 to provide the Court with a  
 18 brief status report updating the Court as to resolution of any issues raised in the April 27  
 19 letter brief, Dkt. No. 337, and informing the court of any recent discovery disputes.

20           The Court will address the remaining discovery disputes at that time. The  
 21 discovery hearing scheduled for May 16, 2012 is VACATED.

22           IT IS SO ORDERED.

23           DATED: May 15, 2012

24             
 25           NATHANAEL M. COUSINS  
 26           United States Magistrate Judge

27  
 28           <sup>1</sup> The Court GRANTS defendant SSA's request for leave to file a Rule 35 motion  
          for independent medial examination and supporting declaration(s).